



May 16, 2006 CPC  
June 20, 2006 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

06PS0338

White Oaks Development, LLC  
(White Oak Tree Farm and Apartments)

Bermuda Magisterial District  
West line of Old Stage Road

REQUEST: Schematic plan approval for a mixed-use project.

RECOMMENDATION

Staff recommends approval with six (6) conditions for the following reasons:

1. The existing forested Resource Protection Area (RPA) is a minimum 200 feet wide and provides a transition zone between commercial and residential uses.
2. All development standards of the Zoning Ordinance including, but not limited to, architectural quality, buffers and landscaping, and screening of loading areas, outside storage, mechanical equipment, and lighting will be applied per Condition 1 to ensure that views of the commercial development from the multi-family parcel remain attractive.
3. Concerns about adequate access for emergency vehicles are addressed by Condition 5.

CONDITIONS

1. Any development on the parcel designated as commercial on the schematic plan shall apply the development standards of the Zoning Ordinance as though the multi-family parcel is zoned R-MF. Modifications to these standards may be applied for per Sec. 19-19 of the Zoning Ordinance (modifications to development standards and requirements). (P)

2. Multi-family development on the parcel designated as multi-family on the schematic plan shall adhere to all requirements of Sec. 19-159(j) that existed in the Zoning Ordinance on the date of schematic plan submission (February 28, 2006) which allowed multi-family as a restricted use in a C-3 District. (P)
3. Any future modifications to the boundary of the Resource Protection Area shall not decrease the distance of separation between uses on the commercial parcel and uses on the multi-family parcel. (P)
4. The Resource Protection Area will be supplemented with additional plantings, if necessary, and maintained to ensure that vegetation density equals 2.5 times perimeter landscaping C of the Zoning Ordinance. (P)
5. The public road access to Old Stage Road shall be installed prior to occupancy of more than fifty (50) dwelling units in the multi-family parcel. (F)
6. A sidewalk with a minimum width of five (5) feet shall be installed for the full length of the proposed public road along its north side with a planting strip at least four (4) feet wide for the purpose of planting street trees thirty-five (35) feet on center between the sidewalk and the public road. The sidewalk shall connect at all three (3) multi-family entrances to sidewalks connecting throughout the multi-family project, and shall connect to the commercial uses along either a public or private road system serving the commercial parcel. (P)

#### GENERAL INFORMATION

##### Associated Public Hearing Case:

04SN0131 – Tom Johnson

##### Developer:

White Oaks Development, LLC

##### Location:

West line of Old Stage Road, south of Coyote Drive. Also east line of Interstate 95, north of West Hundred Road. Tax IDs 804-656-4121 and 803-655-1650 (Sheet 26 and 27).

##### Existing Zoning and Land Use:

C-5; Vacant

Adjacent Zoning and Land Use:

North - I-3; Vacant  
South - C-3 and C-5; Commercial  
East - I-1, I-2, I-3 and A; Industrial, single family residential or vacant  
West - C-3, C-5 and A; Commercial, single family residential or vacant

BACKGROUND

The zoning for this property occurred through Case 04SN0131 that zoned the property C-5, although only C-3 and I-1 uses by right or with restrictions is allowed. The current applicant for the schematic plan, White Oaks Development, LLC, has chosen to develop the property through the C-3 restricted uses that allows multi-family uses on thirty (30) percent of the overall development acreage. As a restricted use, the multi-family cannot be constructed until at least fifty (50) percent of the commercial development is completed. It is the intent of the developer to submit site plans to construct a wholesale tree farm operation. This is a low cost, short-term interim commercial use that can satisfy the fifty (50) percent requirement for commercial development. As a mixed-use project, the applicant is required to submit a schematic plan showing locations of commercial and residential development, and appropriate vehicular and pedestrian access and transitions between uses.

The schematic plan shows a minimum 200 feet wide forested Resource Protection Area (RPA) as the transition between multi-family and commercial uses. Since the overall zoning is C-5, it is necessary to apply two (2) conditions that ensure the intent of the Zoning Ordinance is met when adding residential uses. Condition 1 requires that any commercial development on the property abide by all development standards for office, commercial, and industrial development in Emerging Growth Areas as if the multi-family parcel is zoned R-MF. Due to the pending change in the Zoning Ordinance that shifts multi-family uses from a restricted use to a conditional use in C-3, C-4 and C-5 Districts, Condition 2 requires that the criteria for developing multi-family is maintained per the previous Zoning Ordinance requirements for multi-family in C-3 Districts.

To ensure that the transition between uses is not lost due to any future changes in perennial stream and/or Resource Protection Area designations, Condition 3 maintains the current RPA lines to be the minimum separation between commercial and multi-family uses. To provide for a permanent forested character, Condition 4 requires that the Resource Protection Area be supplemented as necessary to maintain a landscape density of two and a half (2.5) times Perimeter Landscape C.

Vehicular access is from two (2) locations: initially from Chestnut Hill Road that connects the project to Route 10, and a second connection to Old Stage Road via a public road along the southern border of the property and which connects through to Chestnut Hill Road. The zoning case has a condition that requires the public road connection to Old Stage Road to occur at such time as the uses generate more than 5000 average daily trips as determined by the Transportation Department. However, the zoning case did not address the possibility of multi-family development, and the Zoning Ordinance requires two (2) accesses when more than fifty (50) dwelling units are occupied. Condition 5 reinstates the Zoning Ordinance access requirement for

two (2) accesses into the site for the multi-family development and supersedes Condition 4 of Case 04SN0131.

Currently the schematic plan shows only one (1) access point to the commercial parcel at the juncture of the proposed public road and Chestnut Hill Road. The Fire Department will determine the need for any additional access during site plan review.

Condition 6 requires a sidewalk along the north side of the public road that connects the multi-family uses with the commercial uses within the development and to potential future uses that may occur to the south through redevelopment.

### CONCLUSIONS

Staff recommends approval of the schematic plan as long as the appropriate conditions as stated herein are applied to the commercial and multi-family uses.

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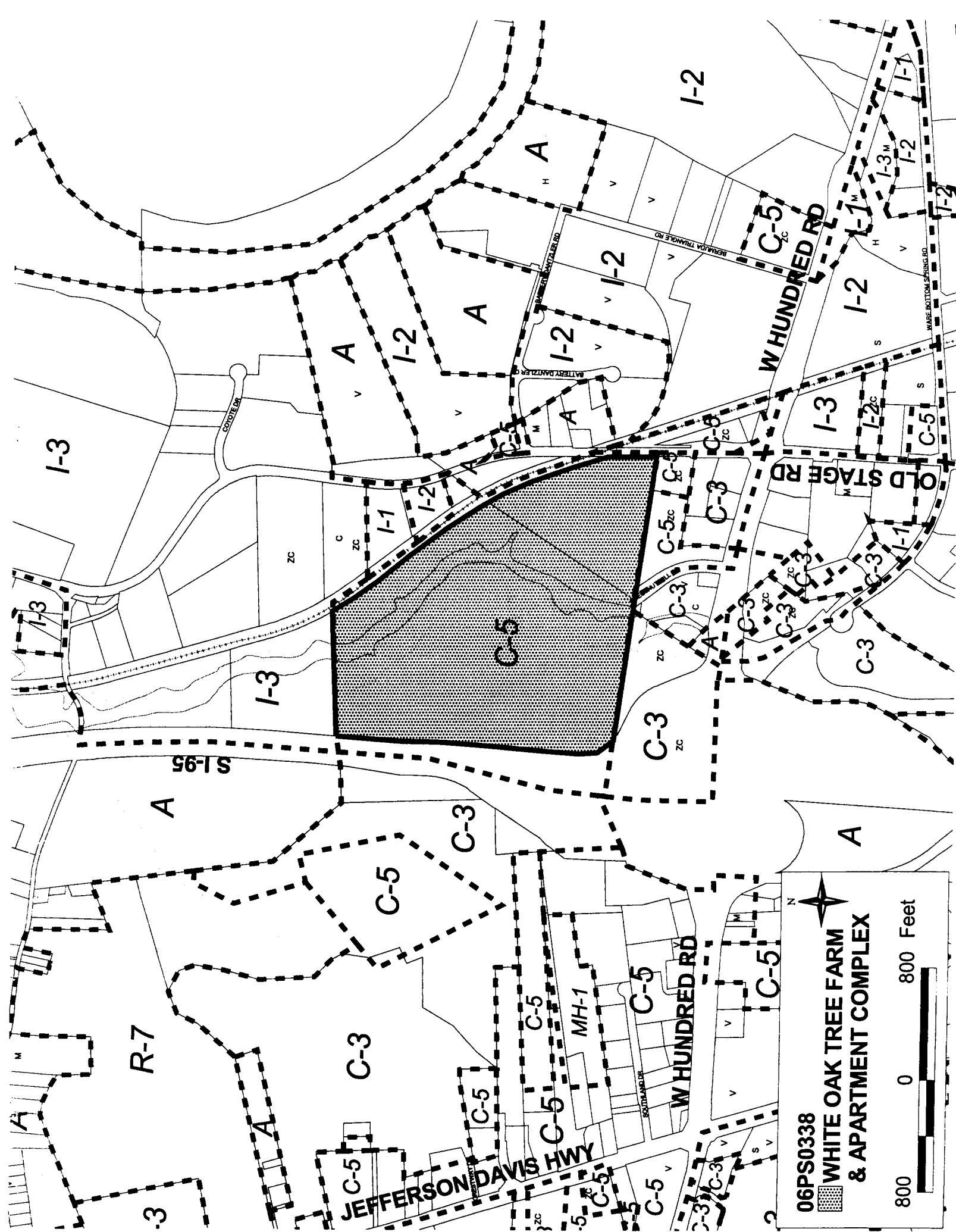
### CASE HISTORY

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Planning Commission Meeting (5/16/06):

On their own motion, the Commission deferred this case to the June 20, 2006, public hearing for the Fire Department to review the need for a condition related to second access to the commercial property.

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06PS0338

WHITE OAK TREE FARM  
& APARTMENT COMPLEX

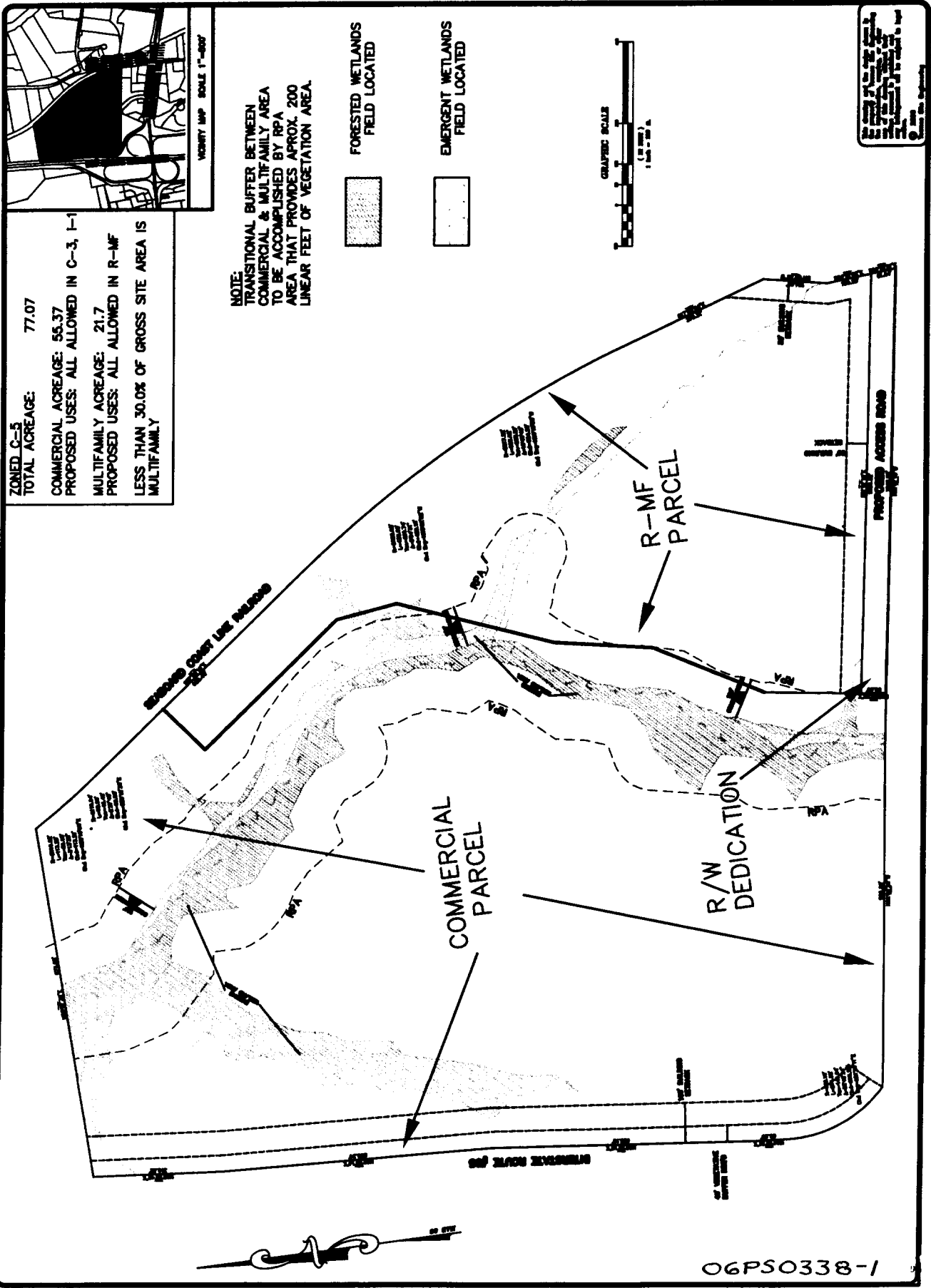
800 0 800 Feet

**Townes**  
SITE ENGINEERING  
2800 East Rock, Suite 201  
Charlottesville, Virginia 22902  
Phone: (804) 748-9411 Fax: (804) 748-9800

ASK US HOW

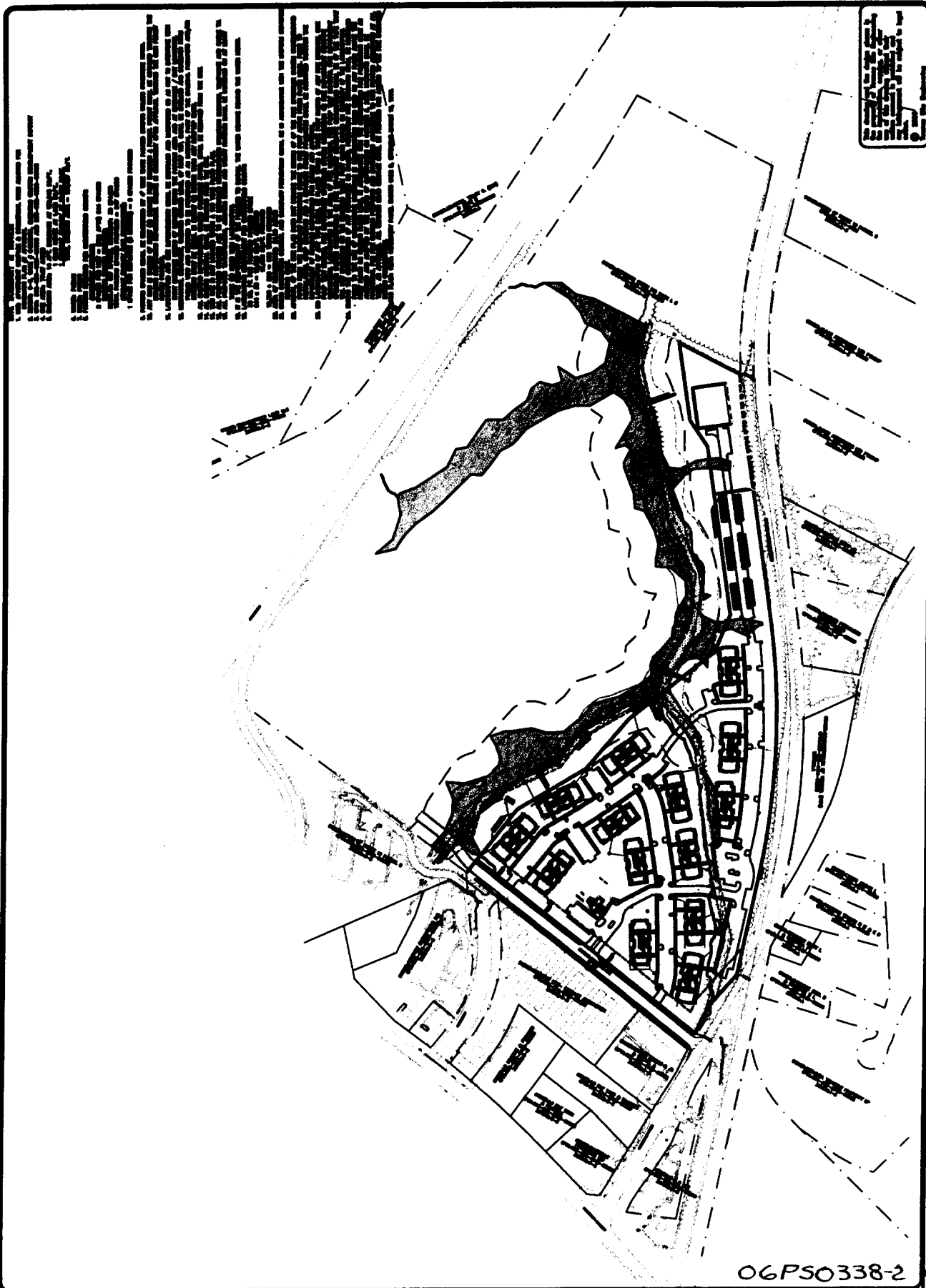
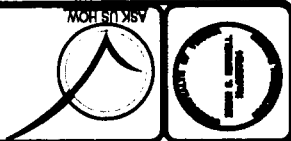
**WHITE OAK TREE PARK  
AND APARTMENT COMPLEX**  
BERNARD DISTRICT  
CHARLESTON COUNTY, VIRGINIA

**SCHEMATIC PLAN**



0000 LOFT ROAD, SUITE 201  
CHESAPEAKE, VIRGINIA 22026  
Phone: (804) 748-9011 FAX (804) 748-9800

WHITE OAK TREE FARM  
AND APARTMENT COMPLEX  
HENRIDA DISTRICT  
CHRISTIANFIELD COUNTY, VIRGINIA



06PSO338-2



~~December 16, 2003 CPG~~  
~~January 20, 2004 CPG~~  
February 25, 2004 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0131

Tom Johnson

Bermuda Magisterial District  
West line of Old Stage Road

**REQUEST:** Rezoning from Light Industrial (I-1) to General Business (C-5).

**PROPOSED LAND USE:**

No specific uses are proposed. Proffered conditions limit uses west of the CSX Railroad to those permitted by right or with restrictions in the Community Business (C-3) and Light Industrial (I-1) Districts and uses east of the CSX Railroad to those uses permitted by right or with restrictions in the Light Industrial (I-1) District.

**PLANNING COMMISSION RECOMMENDATION**

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON  
PAGE 2.

**STAFF RECOMMENDATION**

Recommend denial for the following reason:

Although the Consolidated Eastern Area Plan suggests that property located west of the CSX Railroad is appropriate for community-scale commercial and light industrial uses, and that property located east of the railroad is appropriate for light industrial uses, the request fails to address the traffic impact of this proposed development.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS



NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax Ids 802-656-4121, 803-655-1650 and 803-656-3434 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-5 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

- (CPC) 1. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (CPC) 2. The public water and wastewater systems shall be used. (U)
- (CPC) 3. Except as stated in Proffered Condition 5, uses shall be restricted to those permitted by right or with restrictions in the C-3 District and those uses permitted by right in the I-1 District. (P)
- (CPC) 4. Development of the property, with sole access to Chesnut (Chestnut) Hill Road shall be limited to those uses and densities that are anticipated to generate not more than 5,000 average daily trips as determined by the Transportation Department. At such time as densities generate more than the 5,000 average daily trips as determined by the Transportation Department, then in addition to access to Chestnut Hill Road, applicant shall provide access to Old Stage Road. (T)
- (CPC) 5. Use on Tax ID 803-656-3434-00000 shall be limited to those uses permitted by right in the I-1 District. (P)

## GENERAL INFORMATION

### Location:

West line of Old Stage Road, south of Coyote Drive. Also east line of Interstate 95, north of West Hundred Road. Tax IDs 802-656-4121, 803-655-1650 and 803-656-3434 (Sheet 27).

### Existing Zoning:

I-1

### Size:

77.5 acres

### Existing Land Use:

Vacant

### Adjacent Zoning and Land Use:

North - I-3; Vacant

South - C-3 and C-5; Commercial

East - I-1, I-2, I-3 and A; Industrial, single family residential or vacant

West - C-3, C-5 and A; Commercial, single family residential or vacant

## UTILITIES

### Public Water System:

There is an existing twelve (12) inch water line extending along the western side of Chestnut Hill Road and terminates adjacent to the southern boundary of this site. In addition, an eight (8) inch water line extends along a portion of Old Stage Road and is adjacent to the eastern most parcel of this zoning request. Use of the public water system is intended. (Proffered Condition 2)

### Public Wastewater System:

A portion of the Redwater Creek wastewater trunk line extends across the eastern portion of this site. Use of the public wastewater system is intended. (Proffered Condition 2)

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains directly into Redwater Creek and then via Redwater Creek to the James River. There are currently no on-site drainage or erosion problems with none anticipated after development. Any single access across Redwater Creek must remain dry on a 100 year storm. The parcels are wooded and, as such, should not be timbered without obtaining a land disturbance permit. This will insure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 1)

### Water Quality:

Redwater Creek is a perennial stream and is therefore subject to a 100 foot conservation area with very limited uses.

## PUBLIC FACILITIES

### Fire Service:

The Dutch Gap Fire Station, Company Number 14, and Bensley-Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process. This request will have only minimal impact on fire and emergency medical services.

### Transportation:

The property (77.5 acres) is currently zoned Light Industrial (I-1). Approximately sixty-three (63) acres were zoned prior to 1973, approximately fifteen (15) acres were zoned (Case 78S074) in 1978, and no conditions were imposed with the approval of either zoning case. Based on light industrial trip rates, development of the property for industrial uses could generate approximately 3,200 vehicles per day. The applicant is requesting rezoning of the property from Industrial (I-1) to General Business (C-5) and limiting uses to those permitted in the Light Industrial (I-1) and Community Business (C-3) Districts. This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development of the property for retail uses could generate approximately 20,000 average daily trips.

The Zoning Ordinance requires that a traffic impact analysis be provided for any proposed development that is anticipated to generate 10,000 average daily trips or more, or for any proposed development anticipated to have a significant impact on the transportation network. Staff has requested that the applicant provide a traffic impact analysis. The applicant has not submitted that analysis and has not addressed the traffic impact of this proposed development. Staff recommends denial of this request.

Old Stage Road and West Hundred Road (Route 10) will be directly impacted by this development. Old Stage had a 2003 traffic count of 5,700 vehicles per day. Based on this volume of traffic, during peak hours, Old Stage Road functions at an acceptable level (Level of Service D). The 2003 traffic volumes along the section of Route 10 from Interstate 95 to Interstate 295 range from 40,000 to 45,000 vehicles per day. The volume of traffic on the four (4) lane section of Route 10 between Interstate 95 and Meadowville Road/Old Bermuda Hundred Road intersection exceeds the capacity of the road, and drivers typically experience congestion especially during peak periods. This four (4) lane section of Route 10 is identified as a priority on the Board of Supervisors' list of highway needs. Construction plans have been approved for widening this section of Route 10. No funds are included in the Virginia Department of Transportation Six-Year Improvement Program for right of way acquisition or construction of this project.

The property currently has access to Route 10 via Chestnut Hill Road. Chestnut Hill Road aligns a crossover on Route 10, located approximately 400 feet east of the Interstate 95 on-ramp and approximately 850 feet west of the Old Stage Road intersection. The approved Route 10 widening plans include construction of a directional raised median in Chestnut Hill Road and in the Route 10 crossover that will preclude vehicles traveling on Chestnut Hill Road from turning left onto Route 10. These improvements will improve safety and reduce the potential for a traffic signal to be warranted at the Chestnut Hill Road/Route 10 intersection.

As traffic volumes increase on Route 10, it will become more difficult for vehicles, especially tractor-trailers, to turn left from Chestnut Hill Road onto Route 10; this may increase the number of traffic accidents at this intersection. Staff recommends that initial access for any development on the property be provided to Old Stage Road. In conjunction with any major development that includes access to Old Stage Road and Chestnut Hill Road, the improvements that are shown on the approved Route 10 widening plans (i.e., raised medians to preclude left turns from Chestnut Hill Road onto Route 10) should also be provided. The applicant has proffered a condition that will restrict development of the property, with sole access to Chestnut Hill Road, to that which generates 5,000 average daily trips (Proffered Condition 4). In addition to this restriction, Proffered Condition 4 would require that once the average daily trips exceed 5,000 access would also be provided to Old Stage Road. Staff does not support any development with sole access to Chestnut Hill Road and recommends that initial access be provided to Old Stage Road.

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). The Thoroughfare Plan identifies Old Stage Road as a collector with a recommended right of way width of seventy (70) feet. Access to collectors, such as Old Stage Road, should be controlled. The applicant has not proffered a maximum density, nor to dedicate right of way for or limit direct access to Old Stage Road, or construct any road improvements.

Development on this property (77.5 acres) could exceed 500,000 square feet and generate approximately 20,000 average daily trips. In comparison, Breckinridge Shopping Center has approximately 300,000 square feet on approximately forty (40) acres and Cloverleaf Mall Shopping Center has approximately 640,000 square feet on approximately 50 acres. Old Stage Road and Route 10 cannot handle the traffic generated from a major development that could be constructed on this property. The applicant has not addressed this impact; therefore, the Transportation Department does not support this request.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests that a portion of the property located west of the CSX Railroad is appropriate for community-scale commercial uses (Community Business (C-3) uses) and light industrial uses. The Plan suggests that the location of the commercial uses be established using existing natural or man-made boundaries. However, given the development constraints on the property with respect to access, floodplain and Resource Protection Area, it would be appropriate to permit flexibility in the location of C-3 and I-1 uses within the tract, west of the railroad. Further, the Plan suggests that the portion of the property located east of the CSX Railroad along Old Stage Road is appropriate for Light Industrial (I-1) uses.

### Zoning History:

On June 28, 1978, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, rezoned a 14.48 parcel from Agricultural (A) to Light Industrial (Case 78S074). This property represented the southeastern portion of the request site.

### Area Development Trends:

Property to the north is zoned General Industrial (I-3) and is currently vacant. Properties to the south are zoned Community Business (C-3) and General Business (C-5) and are occupied by hotels and a self-storage facility. Properties to the east are zoned Light Industrial (I-1), General Industrial (I-2), Heavy Industrial (I-3) and Agricultural (A) and are occupied by a recycling center, single family dwellings or are currently vacant. Properties to the west are zoned Community Business (C-3), General Business (C-5) and Agricultural (A) and are occupied by restaurants, a single family dwelling or are currently vacant. While existing commercial uses are located directly adjacent to the interchange to serve a regional need, it is anticipated that properties around the immediate interchange along Interstate 95 and Old Stage Road will continue to be developed for a variety of industrial uses consistent with the suggestions of the Plan.

### Site Design:

Most of the property lies within an Emerging Growth Area. Development of the property must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities, pedestrian access and screening of dumpsters and loading areas. In addition, the property fronting along Old Stage Road lies within the Old Stage and Coxendale Roads Corridor District which addresses enhanced setback and tree preservation.

### Uses:

Proffered conditions limit uses west of the CSX Railroad to those uses permitted by right or with restrictions in the Community Business (C-3) and Light Industrial (I-1) Districts (Proffered Condition 3). Proffered conditions limit uses east of the CSX Railroad to those uses permitted by right or with restrictions in the Light Industrial (I-1) District. (Proffered Condition 5)

### Architectural Treatment:

Currently, the Zoning Ordinance requires that the architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

Currently, within Emerging Growth Areas, no building exterior that would be visible to public rights of way may consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. There is, however, nothing to preclude the use of different materials on different building exteriors, but rather, the use of inferior materials on sides that face adjoining property. No portion of a building constructed of unadorned concrete block or corrugated and/or sheet metal may be visible from any public right of way. No building exterior may be constructed of unpainted concrete block or corrugated and/or sheet metal.

Currently, all junction and accessory boxes must be minimized from view of adjacent property and public rights of way by landscaping or architectural treatment integrated with the building served. Mechanical equipment, whether ground-level or rooftop, must be screened from view of adjacent property and public rights of way and designed to be perceived as an integral part of the building.

With the approval of this request, outside storage would be permitted as a restricted use for any Community Business (C-3) development and limited to ten (10) percent of the gross floor area of the principal use. Outside storage would not be permitted for Light Industrial (I-1) uses. Outside storage areas must be screened from view of adjacent properties that have no such areas and from public rights of way.

## CONCLUSIONS

Although the Consolidated Eastern Area Plan suggests that a portion of the property located west of the CSX Railroad is appropriate for community-scale commercial and light industrial uses, the Plan suggests that the portion of the property located east of the railroad is appropriate for light industrial uses. The proposed commercial land uses east of the CSX Railroad are not compatible with, nor representative of, existing and anticipated development along the Old Stage Road Corridor.

In addition, the applicant has not provided a traffic impact analysis and the application fails to address the traffic impact of this proposed development.

Given these considerations, denial of this request is recommended.

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## CASE HISTORY

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### Applicant (12/9/03):

Revised and additional proffered conditions were submitted. These proffers further limited uses and clarified proposed density limitations for those uses accessing Chestnut Hills Drive.

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### Planning Commission Meeting (12/16/03):

On their own motion, the Commission deferred this request to their January 20, 2004, public hearing.

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### Staff (12/17/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than December 22, 2003, for consideration at the Commission's January 20, 2004, public hearing.

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### Applicant (1/9/04 and 1/20/04):

Revised proffered conditions were submitted addressing permitted uses and access.

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**Planning Commission Meeting (1/20/04):**

The applicant did not accept staff's recommendation but accepted the Commission's recommendation. There was no opposition present.

Mr. Wilson noted that the topography of the property was severe; that the applicant had constructed Chestnut Hill Road with the expectation that this road would accommodate 5,000 average daily trips for truck traffic as a Light Industrial (I-1) property; that with the proposed commercial zoning, truck traffic will be replaced with car traffic; and that proffered conditions would eventually require a future access to Old Stage Road.

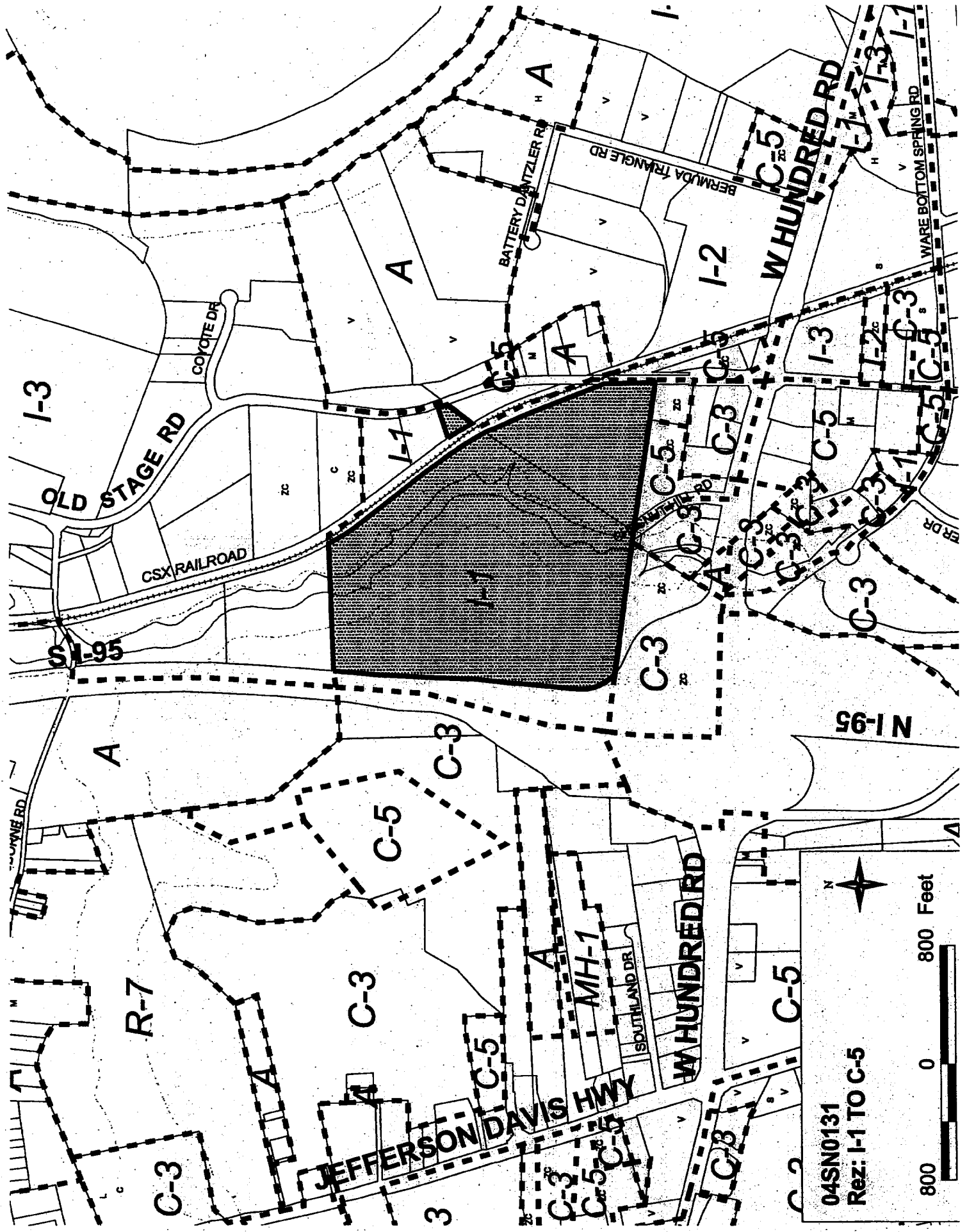
On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval of this request and acceptance of the proffered conditions on page 2.

**AYES: Unanimous.**

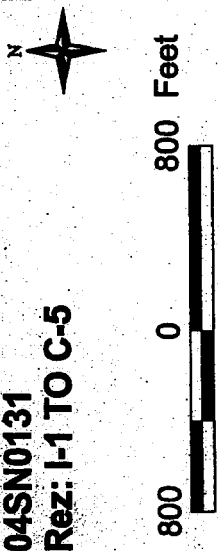
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The Board of Supervisors, on Wednesday, February 25, 2004, beginning at 7:00 p.m., will take under consideration this request.





04SN0131  
Rez: I-1 TO C-5



(Staff Note: This condition supersedes Proffered Condition 2 of Case 97SN0150.)

2. Traffic Density Limitations. The maximum density on the Property shall be 4,000 square feet of police station, 22,042 square feet of post office, 6,000 square feet of dentist and 4,750 square feet of fast food restaurant or equivalent densities as approved by the Transportation Department. (T)

(Note: This condition supersedes Proffered Condition 20 of Case 97SN0150.)

3. Signalization. The developer of that portion of the property fronting on West Hundred Road and lying between Rock Hill Road and the main site access road, or his assignee, shall be responsible for full cost of traffic signalization, including dedication of any required right of way and construction of all necessary road improvements, at the intersection of Route 10 and the main site access road, if warranted as determined by the Transportation Department. Prior to any site plan approval, a phasing plan for these improvements shall be submitted to and approved by the Transportation Department.

In the event the developer is unable to acquire any offsite right of way necessary for such improvements, the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the offsite right of way shall be borne by the developer. In the event the County chooses not to assist in acquisition of offsite right of way, the developer shall be relieved of the obligation to acquire the offsite right of way, and shall only provide the road improvements and signalization that can be accommodated within available right of way as determined by the Transportation Department. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

#### 04SN0131

In Bermuda Magisterial District, TOM JOHNSON requests rezoning and amendment of zoning district map from Light Industrial (I-1) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and light industrial uses. This request lies on 77.5 acres fronting in two (2) places for a total of approximately 400 feet on the west line of Old Stage Road approximately 1,500 feet south of Coyote Drive. Tax IDs 802-656-4121, 803-655-1650 and 803-656-3434 (Sheet 27).

Mr. Jacobson presented a summary of Case 04SN0131 and stated, staff supports the proposed land uses, but recommended denial of the request because it fails to address the traffic impact of the proposed development. He further stated the Transportation Department recommends that access to Old Stage

Road be provided with the initial development. He stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating the land use complies with the Plan and the applicant has agreed to provide access to Old Stage Road after the generation of 5,000 trips per day from the subject property.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the Planning Commission's recommendation is acceptable and requested the Board's approval of the proposed development.

Mr. Miller called for public comment.

No one came forward to speak to the request.

After brief discussion, on motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0131 and accepted the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax Ids 802-656-4121, 803-655-1650 and 803-656-3434 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-5 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. The public water and wastewater systems shall be used. (U)
3. Except as stated in Proffered Condition 5, uses shall be restricted to those permitted by right or with restrictions in the C-3 District and those uses permitted by right in the I-1 District. (P)
4. Development of the property, with sole access to Chesnut (Chestnut) Hill Road shall be limited to those uses and densities that are anticipated to generate not more than 5,000 average daily trips as determined by the Transportation Department. At such time as densities generate more than the 5,000 average daily trips as determined by the Transportation Department, then in addition to access to Chestnut Hill Road, applicant shall provide access to Old Stage Road. (T)
5. Use on Tax ID 803-656-3434-00000 shall be limited to those uses permitted by right in the I-1 District. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.